

UNOFFICIAL VERSION

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MONDAY, FEBRUARY 13, 2012

FIFTY-THIRD LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 5:00 p.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Pastor Geoffrey Giesemann of Fairlane Church of Christ in Shelbyville, Tennessee, a guest of Senator Tracy.

PLEDGE OF ALLEGIANCE

Senator Tracy led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 33

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bills Nos. 3776 through 3778** be passed on first consideration, which motion prevailed.

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 3776 by Senator Bell.

McMinn County -- As introduced, subject to local approval, dissolves the Woods Memorial Hospital District Board of Trustees in McMinn County. Repeals Chapter 13 of the Private Acts of 1965.

Senate Bill No. 3777 by Senator Summerville.

Elkton -- As introduced, subject to local approval, revises the charter of the City of Elkton relative to the requirements for becoming sheriff and to correct a typographical error. Amends Chapter 431 of the Acts of 1907, as amended by Chapter 49 of the Private Acts of 2007.

Senate Bill No. 3778 by Senator Stewart.

Sequatchie County -- As introduced, subject to local approval, divides Sequatchie County into nine school districts, which are identical to the county legislative body districts, rather than eight districts. Amends Chapter 83 of the Private Acts of 2002.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bill No. 2365** be passed on first consideration, which motion prevailed.

HOUSE BILL ON FIRST CONSIDERATION

The Speaker announced that the following House Bill was transmitted to the Senate and passed first consideration:

House Bill No. 2365 -- Intellectual & Developmental Disabilities, Dept. of -- As introduced, authorizes department to allow unlicensed individuals employed by licensed facilities to follow universal "do not resuscitate" orders in certain circumstances. Amends TCA Title 68.

MOTION

Senator Norris moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bills Nos. 3764 through 3775** be passed on second consideration and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committees or held on the Clerk's desk:

Senate Bill No. 3764 Local bill -- held on desk.

Senate Bill No. 3765 Local bill -- held on desk.

Senate Bill No. 3766 Local bill -- held on desk.

Senate Bill No. 3767 Local bill -- held on desk.

Senate Bill No. 3768 referred to the Committee on Finance, Ways and Means.

Senate Bill No. 3769 referred to the Committee on Finance, Ways and Means.

Senate Bill No. 3770 referred to the Committee on Finance, Ways and Means.

Senate Bill No. 3771 referred to the Committee on Finance, Ways and Means.

Senate Bill No. 3772 Local bill -- held on desk.

Senate Bill No. 3773 Local bill -- held on desk.

Senate Bill No. 3774 Local bill -- held on desk.

Senate Bill No. 3775 Local bill -- held on desk.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 585 through 587** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 585 by Senator Barnes.
Memorials, Recognition -- Houston County Irish Celebration, 50th anniversary.

Senate Joint Resolution No. 586 by Senators Kyle and Watson.
Memorials, Sports -- Christian Brothers High School wrestling team, 2012 TSSAA State Duals Champions.

Senate Joint Resolution No. 587 by Senator Henry.
Memorials, Death -- Charles Evers.

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 638, 639, 641 and 644; Senate Joint Resolutions Nos. 578 and 580 through 583; and Senate Resolutions Nos. 77 through 83** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

House Joint Resolution No. 638 -- Memorials, Recognition -- WNOX Radio Station, 90th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 638 to the Committee on Calendar.

House Joint Resolution No. 639 -- Memorials, Retirement -- Donald Alexander.

The Speaker announced that he had referred House Joint Resolution No. 639 to the Committee on Calendar.

House Joint Resolution No. 641 -- Memorials, Recognition -- Civil Air Patrol, 70th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 641 to the Committee on Calendar.

House Joint Resolution No. 644 -- Memorials, Heroism -- Representative Tony Shipley.

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The Speaker announced that he had referred House Joint Resolution No. 644 to the Committee on Calendar.

Senate Joint Resolution No. 578 -- Highway Signs -- Names bridge on State Route 11 in Marshall County in honor of the late Tim Mealer.

The Speaker announced that he had referred Senate Joint Resolution No. 578 to the Committee on Transportation and Safety.

Senate Joint Resolution No. 580 -- Memorials, Professional Achievement -- John Black, 2011 General Aviation Airport Manager of the Year for the FAA Southern Region Airports Division.

The Speaker announced that he had referred Senate Joint Resolution No. 580 to the Committee on Calendar.

Senate Joint Resolution No. 581 -- Memorials, Recognition -- NAMI Tennessee's Multicultural All in the Family Summit 2012.

The Speaker announced that he had referred Senate Joint Resolution No. 581 to the Committee on Calendar.

Senate Joint Resolution No. 582 -- Memorials, Recognition -- Clay County 2011 Fair, Division A Most Improved 2011 Fair Season Award.

The Speaker announced that he had referred Senate Joint Resolution No. 582 to the Committee on Calendar.

Senate Joint Resolution No. 583 -- Memorials, Retirement -- Ron Bennett.

The Speaker announced that he had referred Senate Joint Resolution No. 583 to the Committee on Calendar.

Senate Resolution No. 77 -- Memorials, Sports -- Chuckey-Doak Middle School girls basketball team, Tri-County Conference Champions.

The Speaker announced that he had referred Senate Resolution No. 77 to the Committee on Calendar.

Senate Resolution No. 78 -- Court Rules -- Approves amendments and revisions to Tennessee rules of civil procedure.

The Speaker announced that he had referred Senate Resolution No. 78 to the Committee on Judiciary.

Senate Resolution No. 79 -- Court Rules -- Approves amendments and revisions to Tennessee rules of criminal procedure.

The Speaker announced that he had referred Senate Resolution No. 79 to the Committee on Judiciary.

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Senate Resolution No. 80 -- Court Rules -- Approves amendments and revisions to Tennessee rules of appellate procedure.

The Speaker announced that he had referred Senate Resolution No. 80 to the Committee on Judiciary.

Senate Resolution No. 81 -- Court Rules -- Approves amendments and revisions to Tennessee rules of evidence.

The Speaker announced that he had referred Senate Resolution No. 81 to the Committee on Judiciary.

Senate Resolution No. 82 -- Court Rules -- Approves amendments and revisions to Tennessee rules of juvenile procedure.

The Speaker announced that he had referred Senate Resolution No. 82 to the Committee on Judiciary.

Senate Resolution No. 83 -- Memorials, Death -- Earnest Obie Hollingsworth.

The Speaker announced that he had referred Senate Resolution No. 83 to the Committee on Calendar.

NOTICE

MESSAGE FROM THE HOUSE

February 9, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 465, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

CONSENT CALENDAR NO. 1

Senate Joint Resolution No. 575 -- Memorials, Retirement -- Vic Humeniuk.

Senate Joint Resolution No. 576 -- Memorials, Recognition -- Veterans Honor Guard.

Senate Joint Resolution No. 577 -- Memorials, Death -- Angelo Vic Varallo.

House Joint Resolution No. 630 -- Memorials, Personal Achievement -- Nathan Poplin, Eagle Scout.

House Joint Resolution No. 637 -- Memorials, Recognition -- 2012 Phi Theta Kappa All-American Academic Team.

Senator Faulk moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

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Ayes 31
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Objections having been raised, the following bill was placed at the heel of the calendar for Thursday, February 16, 2012, pursuant to Rule 38: **Senate Bill No. 2647.**

Senate Bill No. 2230 -- Controlled Substances -- As introduced, rewrites the provisions governing the scheduling of controlled substances. Amends TCA Title 39, Chapter 17, Part 4.

Senate Bill No. 2236 -- Motor Vehicles -- As introduced, removes the requirement that certain accident reports be in writing; revises other various provisions governing motor vehicle accident reports. Amends TCA Title 55, Chapter 10.

Senate Bill No. 2385 -- Highway Signs -- As introduced, names bridge in Dickson County in honor of the late Lt. Col. Malcolm Glenn Hicks, USAF.

Senate Bill No. 2466 -- Highway Signs -- As introduced, changes description of Veterans Memorial Mile in Knox County to segment of State Route 62 from Solway Bridge to intersection with State Route 162. Amends Chapter 85 of the Public Acts of 2011.

Senate Bill No. 2516 -- State Government -- As introduced, provides for the designation of the Tennessee Day of Prayer as the first Thursday in May of each calendar year. Amends TCA Title 4.

Senate Bill No. 2752 -- Highway Signs -- As introduced, includes I-26 in Unicoi County within Purple Heart Trail. Amends Chapter 741 of the Public Acts of 2006 and Chapter 767 of the Public Acts of 2004.

Senate Bill No. 2883 -- Education -- As introduced, continues the career and technical class size extension pilot project in the Metro Nashville public schools; provides that the pilot shall only be used in schools or programs implementing the career academy or small learning community model. Amends TCA Title 49, Chapter 1, Part 1.

Senate Bill No. 3208 -- Utilities, Utility Districts -- As introduced, deletes language that referenced a subsection that was repealed concerning utility district rates sufficient to pay costs and retire bonds. Amends TCA Title 7, Chapter 82.

Senate Joint Resolution No. 537 -- Naming and Designating -- "Digital Learning Day", February 1, 2012.

Senate Resolution No. 71 -- General Assembly, Confirmation of Appointment -- J. Brian Ferguson, University of Tennessee Board of Trustees.

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Senate Resolution No. 72 -- General Assembly, Confirmation of Appointment -- Spruell Driver, Jr., University of Tennessee Board of Trustees.

Senate Resolution No. 73 -- General Assembly, Confirmation of Appointment -- Tommy G. Whitaker, University of Tennessee Board of Trustees.

Senate Resolution No. 75 -- General Assembly, Confirmation of Appointment -- Tom Griscom, Tennessee Board of Regents.

Senator Faulk moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all Senate Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 524 -- Safety, Dept. of -- As introduced, increases frequency for physical examinations by Tennessee physicians that for-hire motor carriers providing passenger transportation are required to submit to, from current biennial to annual exams. Amends TCA Title 7; Title 51 and Title 65.

Senator Tracy moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 65-15-128(a), is amended by adding the language "excluding those vehicles licensed and permitted pursuant to Title 68, Chapter 140, Part 3", after the word and punctuation "TennCare", and before the word "shall".

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 524**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

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Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senate Bill No. 2192 -- Senate -- As introduced, changes TCA to reflect renaming of the Senate Environment, Conservation and Tourism Committee as the "Senate Energy and Environment Committee". Amends TCA Title 4; Title 7; Title 8; Title 9; Title 11; Title 43; Title 67; Title 69 and Title 70.

Senate Bill No. 2192 passed its third and final consideration by the following vote:

Ayes	22
Noes	9
Present, not voting . . .	2

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--22.

Senators voting no were: Barnes, Berke, Burks, Finney, Harper, Haynes, Henry, Herron and Marrero--9.

Senators present and not voting were: Ford and Kyle--2.

A motion to reconsider was tabled.

Senate Bill No. 2215 -- Short-Term Loans and Lenders -- As introduced, revises various provisions governing deferred presentment services, including provisions regarding qualifications for licensure; authorizes Commissioner of Financial Institutions to require persons subject to "Deferred Presentment Services Act" to be licensed through a multi-state automated licensing system. Amends TCA Title 45, Chapter 17.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the language "business location or name" in § 45-17-108(c), in Section 3 and by substituting instead the language "business location or name".

AND FURTHER AMEND by deleting the language "of each year" in § 45-17-110(a) in Section 4.

AND FURTHER AMEND by deleting the language "September 30, 2012, shall expire" in § 45-17-110(b) in Section 4 and by substituting instead the language "September 30, 2012, shall instead expire".

AND FURTHER AMEND by deleting the language "In addition to any other duties imposed upon" in § 45-17-120 in Section 7 and by substituting instead the language "In addition to any other powers conferred upon".

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AND FURTHER AMEND by deleting § 45-17-120(a)(5) in Section 7 and by substituting instead the following:

(5) Establish deadlines for transitioning licensees to a multi-state automated licensing system. The commissioner has the authority to deny any applications or renewal applications not filed with a multi-state automated licensing system after such deadlines have passed, notwithstanding any dates established elsewhere in this chapter. However, the commissioner shall provide reasonable notice of any transition deadlines to licensees; and

AND FURTHER AMEND by deleting § 45-17-120(b) in Section 7 in its entirety and by substituting instead the following:

(b) Nothing in this section shall authorize the commissioner to require a person who is not subject to this chapter to submit information to, or to participate in, a multi-state automated licensing system that is operated or participated in pursuant to this chapter.

On motion, Amendment No. 1 was adopted.

Senator Ketron moved that **Senate Bill No. 2215**, as amended, be moved five places down on the Calendar for today, which motion prevailed.

Senate Bill No. 2216 -- Banks and Financial Institutions -- As introduced, specifies that the limits on loans to any one borrower must take into consideration credit exposure arising from derivative transactions between the state bank and the person. Amends TCA Title 45, Chapter 2.

Senate Bill No. 2216 passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senate Bill No. 2235 -- Controlled Substances -- As introduced, rewrites certain provisions regarding the sale and purchase of an immediate methamphetamine precursor. Amends TCA Section 39-17-431.

Senate Bill No. 2235 passed its third and final consideration by the following vote:

Ayes	32
Noes	0
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

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Senator present and not voting was: Summerville--1.

A motion to reconsider was tabled.

Senate Bill No. 2552 -- Marriage -- As introduced, allows appointed and elected municipal court judges to solemnize marriages in any county of the state rather than in just the municipality in which the judge has jurisdiction. Amends TCA Title 36, Chapter 3, Part 3.

Senate Bill No. 2552 passed its third and final consideration by the following vote:

Ayes	29
Noes	1
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Crowe, Faulk, Finney, Ford, Gresham, Harper, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

Senator voting no was: Herron--1.

Senator present and not voting was: Haynes--1.

A motion to reconsider was tabled.

Senate Bill No. 2561 -- Unemployment Compensation -- As introduced, conforms language under the employment security law concerning amount of retainage by a contractor entering into a contract with the state or local governments to conform to 5 percent as authorized generally for contractors. Amends TCA Title 50, Chapter 7, Part 4.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 50-7-404(g)(2), is amended by deleting the language "ten percent (10%)" and by substituting instead the language "five percent (5%)".

SECTION __. Tennessee Code Annotated, Section 50-7-404(g)(3), is amended by deleting the language "ten percent (10%)" and by substituting instead the language "five percent (5%)".

On motion, Amendment No. 1 was adopted.

Senator Ketron moved that **Senate Bill No. 2561**, as amended, be placed on the Calendar for Thursday, February 16, 2012, which motion prevailed.

PRESENTATION

Senator Marrero introduced Mr. Steve "The Colonel" Cropper to the Senate.

CALENDAR

Senate Bill No. 2644 -- Consumer Protection -- As introduced, authorizes a mattress manufacturer, wholesaler or retailer to offer a comfort exchange policy pursuant to the sale of a mattress; includes a mattress returned pursuant to such a policy in definition of secondhand. Amends TCA Title 47, Chapter 18, Part 1 and Title 68, Chapter 15, Part 2.

Senate Bill No. 2644 passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

FURTHER ACTION ON SENATE BILL NO. 2215, AS AMENDED

Senator Ketron moved that **Senate Bill No. 2215**, as amended, be placed on the Calendar for Thursday, February 16, 2012, which motion prevailed.

Senator Bell moved that **Senate Bill No. 2702** be moved two places down on the Calendar for today, which motion prevailed.

Senate Bill No. 2825 -- Business and Commerce -- As introduced, decreases time a scrap jewelry and metal dealer has to hold items from 30 days from date of purchase to 20 days from date of purchase. Amends TCA Title 38, Chapter 1, Part 2.

Senate Bill No. 2825 passed its third and final consideration by the following vote:

Ayes	30
Noes	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

Senator voting no was: Burks--1.

A motion to reconsider was tabled.

Senate Bill No. 2829 -- Banks and Financial Institutions -- As introduced, expands the definition of a domestic holding company, for purposes of organizing, owning or controlling as a credit card state bank, from a company meeting certain requirements to a company under common control with another company that meets said requirements; extends the effective date of such expanded definition from July 1, 2012, to July 1, 2014. Amends TCA Title 45, Chapter 2, Part 19.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 45-2-1901(3), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(3)(A) "Domestic holding company" means a company that either:

(i) Controls a domestic or foreign lender and has its principal place of business in this state; or

(ii) Is licensed pursuant to Chapter 7 of this title and, as of January 1, 2007, has a net worth of not less than twenty-five million dollars (\$25,000,000) and has had its principal place of business in this state for at least five (5) consecutive years.

(B) "Domestic holding company" also means a company that is under common control with a company described in (3)(A)(ii). For purposes of this subdivision (3)(B), "under common control" means no less than fifty percent (50%) ownership.

(C) Effective July 1, 2014, subdivision (3)(A)(ii) and subdivision (3)(B) are hereby deleted; however, any company that organized pursuant to subdivision (3)(A)(ii), or subdivision (3)(B), and this part prior to July 1, 2014, and that continues to own or control a credit card state bank after July 1, 2014, shall retain the authority to own or control a credit card state bank under the terms and conditions provided in this part;

SECTION 2. Tennessee Code Annotated, Section 45-2-1902(a)(2), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(2) Effective July 1, 2014, the language ", including a domestic holding company", is hereby deleted; however, any company that organized pursuant to such language, § 45-2-1901(3)(A)(ii) or § 45-2-1901(3)(B), and this part prior to July 1, 2014, and that continues to own or control a credit card state bank after July 1, 2014, shall retain the authority to own or control a credit card state bank under the terms and conditions provided in this part.

SECTION 3. Tennessee Code Annotated, Section 45-2-1902(d)(1), is amended by deleting subdivision (B) in its entirety and by substituting instead the following:

(B) Effective July 1, 2014, the language "or debit, including prepaid debit", is hereby deleted; however, any company that organized pursuant to such language, § 45-2-1901(3)(A)(ii) or § 45-2-1901(3)(B), and this part prior to July 1, 2014, and that continues to own or control a credit card state bank after July 1, 2014, shall retain the authority to own or control a credit card state bank under the terms and conditions provided in this part.

SECTION 4. This act shall take effect June 30, 2012, the public welfare requiring it.

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Senator Ketron moved that **Senate Bill No. 2829** be placed at the heel of the Calendar for today, which motion prevailed.

Senate Bill No. 2702 -- Banks and Financial Institutions -- As introduced, allows securities or investment accounts held by bank trust departments to have a payable on death designated beneficiary. Amends TCA Title 35, Chapter 12.

Senate Bill No. 2702 passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senator Yager moved that **Senate Bill No. 1716** be placed on the Calendar for Thursday, February 16, 2012, which motion prevailed.

Senate Bill No. 2198 -- Privacy, Confidentiality -- As introduced, classifies as a confidential record the emergency contact information for any state, county, municipal or other public employee or former employee, or of any law enforcement officer in the employ of a public college or university. Amends TCA Title 10, Chapter 7.

Senate Bill No. 2198 passed its third and final consideration by the following vote:

Ayes	30
Noes	0
Present, not voting . . .	2

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

Senators present and not voting were: Herron and Stewart--2.

A motion to reconsider was tabled.

Senate Bill No. 2207 -- Public Records -- As introduced, classifies as confidential the due diligence materials submitted by a company to the Department of Economic and Community Development; confidentiality applies until such time as the provider of the material no longer requires its confidentiality. Amends TCA Section 4-3-730.

Senator Faulk moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

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SECTION 1. Tennessee Code Annotated, Section 4-3-730(f)(1), is amended by deleting the language "or capital plans" and by substituting instead the language ", capital plans, or due diligence materials".

SECTION 2. Tennessee Code Annotated, Section 4-3-730(f)(2), is amended by adding the following language as a new subdivision (C):

(C) "Due diligence materials" means information on business processes, organizational structure and ownership, financial statements, budgets, cash flow reports or similar materials that are provided to the department as part of an evaluation process for:

(i) Tax incentives;

(ii) Tax credits; or

(iii) FastTrack funds available pursuant to The Tennessee Job Growth Act of 2005, compiled in §§ 4-3-715 – 4-3-717.

SECTION 3. Tennessee Code Annotated, Section 4-3-730, is amended by adding the following language as a new, appropriately designated subsection:

(g)(1) Nothing in this section shall be construed to limit or deny the state funding board or state funding board staff access to records or information that is otherwise confidential, when the records or information is used to evaluate FastTrack grant or loan applications required to be approved by the state funding board pursuant to § 4-3-717.

(2) Records or information obtained by the state funding board or state funding board staff in accordance with this subsection shall be maintained as confidential.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Norris moved that **Senate Bill No. 2207**, as amended, be placed on the Calendar for Thursday, February 16, 2012, which motion prevailed.

Senator Ketron moved that **Senate Bill No. 2218**, as amended, be placed on the Calendar for Thursday, February 16, 2012, which motion prevailed.

Senator Ketron moved that **Senate Bill No. 2220** be placed on the Calendar for Thursday, February 16, 2012, which motion prevailed.

Senate Bill No. 2265 -- Local Government, General -- As introduced, extends from June 30, 2012, to June 30, 2014, the expiration date for the authority of Hamilton, Knox and Shelby Counties; Chattanooga, Knoxville, Memphis and Metropolitan Nashville to sell bonds at private sale upon terms and conditions that it determines and upon approval by the governing body of the local government. Amends TCA Section 9-21-132.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the following new section to precede the effective date section and by renumbering the subsequent section accordingly:

SECTION __. Tennessee Code Annotated, Section 9-21-132(b), is amended by deleting the language "This section" and by substituting the language "Subsection (a)".

SECTION __. Tennessee Code Annotated, Section 9-21-132, is amended by adding the following as a new, appropriately numbered subsection:

(c) Any local government may petition the state funding board for permission to sell specific bonds determined to be required to be sold at taxable interest rates at private sale upon terms and conditions that the local government determines and upon approval by the governing body of the local government.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2265**, as amended, passed its third and final consideration by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

FURTHER ACTION ON SENATE BILL NO. 2829

Senator Ketron moved that **Senate Bill No. 2829** be placed on the Calendar for Thursday, February 16, 2012, which motion prevailed.

MOTION

Senator Kyle moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 590**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 590 by Senator Kyle.
Memorials, Sports -- University of Memphis.

On motion of Senator Kyle, the rules were suspended for the immediate consideration of the resolution.

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On motion, **Senate Joint Resolution No. 590** was adopted.

A motion to reconsider was tabled.

MOTION

Senator Kyle moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 591**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 591 by Senator Kyle.

Memorials, Sports -- Christian Brothers High School wrestling team, State Duals Champions.

On motion of Senator Kyle, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 591** was adopted.

A motion to reconsider was tabled.

MOTION

Senator Harper moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 653**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 653 -- Memorials, Recognition -- Delta Days on Capitol Hill.

On motion of Senator Harper, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 653** was concurred in.

A motion to reconsider was tabled.

MOTION

Senator Tate moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 652**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 652 -- Memorials, Death -- Frank W. Wade.

On motion of Senator Tate, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 652** was concurred in.

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A motion to reconsider was tabled.

MOTION

Senator Crowe moved that Rule 83(8) be suspended for the purpose of placing **House Joint Resolution No. 600** on the calendar for the Committee on Health and Welfare for Wednesday, February 15, 2012, which motion prevailed.

RECALL OF BILL

On motion of Senator Norris, **Senate Bills Nos. 3702 and 3703** were recalled from the Clerk's desk.

WITHDRAWAL OF BILL

On motion of Senator Norris, Senate Bills Nos. 3702 and 3703 were withdrawn from the Senate.

MOTION

Senator Norris moved that the Proposed Schedule for the week of February 20, 2012, be adopted and made the action of the Senate, which motion prevailed.

MONDAY – February 20

State Holiday – No Session

TUESDAY – February 21

8:30 a.m. – 10:30 a.m.	Finance, Ways & Means Committee (Tax Sub will meet immediately following)
10:30 a.m. – 12:30 p.m.	State & Local Government Committee
12:30 p.m. – 1:30 p.m.	Lunch
1:30 p.m. – 3:30 p.m.	Commerce, Labor & Agriculture Committee
3:30 p.m. – 5:00 p.m.	Judiciary Committee

WEDNESDAY – February 22

8:30 a.m. – 10:30 a.m.	Education Committee
10:30 a.m. – 12:00 noon	Health & Welfare Committee
12:00 noon – 12:30 p.m.	Lunch
12:30 p.m. – 2:00 p.m.	Transportation & Safety Committee
2:00 p.m. – 3:00 p.m.	Government Operations Committee
3:00 p.m. – 5:00 p.m.	Energy & Environment Committee

THURSDAY – February 23

9:00 a.m.	Session – Senate Chamber
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RECALL OF BILL

On motion of Senator Tracy, **Senate Bill No. 3619** was recalled from the Committee on State and Local Government.

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WITHDRAWAL OF BILL

On motion of Senator Tracy, Senate Bill No. 3619 was withdrawn from the Senate.

RECALL OF BILL

On motion of Senator Bell, **Senate Bills Nos. 291, 375, 377, 640 and 2475** were recalled from the Committee on State and Local Government.

WITHDRAWAL OF BILL

On motion of Senator Bell, Senate Bills Nos. 291, 375, 377, 640 and 2475 were withdrawn from the Senate.

RECALL OF BILL

On motion of Senator Bell, **Senate Bill No. 833** was recalled from the Committee on Calendar.

WITHDRAWAL OF BILL

On motion of Senator Bell, Senate Bill No. 833 was withdrawn from the Senate.

RECALL OF BILL

On motion of Senator Bell, **Senate Bills Nos. 838, 1015, 2746 and 2748** were recalled from the Committee on Judiciary.

WITHDRAWAL OF BILL

On motion of Senator Bell, Senate Bills Nos. 838, 1015, 2746 and 2748 were withdrawn from the Senate.

RECALL OF BILL

On motion of Senator Bell, **Senate Bill No. 871** was recalled from the Committee on Transportation and Safety.

WITHDRAWAL OF BILL

On motion of Senator Bell, Senate Bill No. 871 was withdrawn from the Senate.

RECALL OF BILL

On motion of Senator Bell, **Senate Bill No. 2391** was recalled from the Committee on Education.

WITHDRAWAL OF BILL

On motion of Senator Bell, Senate Bill No. 2391 was withdrawn from the Senate.

MOTION

On motion of Senator Kyle, his name was added as sponsor of **Senate Bill No. 884**.

On motion of Senator Burks, her name was added as sponsor of **Senate Bills Nos. 2230 and 2883**.

On motion of Senators Beavers, Herron and Yager, their names were added as sponsors of **Senate Bill No. 2235**.

On motion of Senator Summerville, his name was added as sponsor of **Senate Bills Nos. 2432 and 2860**.

On motion of Senators Barnes, Burks and Roberts, their names were added as sponsors of **Senate Bill No. 2516**.

On motion of Senator Crowe, his name was added as sponsor of **Senate Bill No. 2752**.

On motion of Senator Berke, his name was added as prime sponsor of **Senate Bill No. 2900**.

On motion of Senator Henry, his name was added as sponsor of **Senate Bill No. 3094**.

On motion of Senator Finney, his name was added as sponsor of **Senate Bill No. 3596**.

On motion of Senators Ford, Stewart and Tracy, their names were added as sponsors of **Senate Joint Resolution No. 576**.

On motion of Senators Kyle, Harper, Haynes, Herron and Tracy, their names were added as sponsors of **Senate Joint Resolution No. 577**.

On motion of Senators Ford, Kelsey, Marrero, Norris, Tate, Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Ketron, Massey, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 590**.

On motion of Senators Ford, Kelsey, Marrero, Norris, Tate, Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Ketron, Massey, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Joint Resolution No. 591**.

On motion of Senators Henry, Herron and Tate, their names were added as sponsors of **Senate Resolution No. 72**.

On motion of Senators Henry, Kyle, Herron and Watson, their names were added as sponsors of **Senate Resolution No. 75**.

On motion of Senators Crowe and Norris, their names were added as sponsors of **House Joint Resolution No. 600**.

On motion of Senator Tracy, his name was added as sponsor of **House Joint Resolution No. 630**.

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On motion of Senators Ford and Tracy, their names were added as sponsors of **House Joint Resolution No. 637**.

On motion of Senators Tate, Ford, Kelsey, Kyle, Marrero, Norris, Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Ketron, Massey, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **House Joint Resolution No. 652**.

On motion of Senator Tate, his name was added as sponsor of **Senate Bills Nos. 3195 and 3199**.

ENGROSSED BILLS

February 13, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Bills Nos. 524, 2192, 2198, 2216, 2230, 2235, 2265, 2385, 2466, 2516, 2552, 2644, 2702, 2752, 2825, 2883 and 3208; and Senate Joint Resolutions Nos. 537, 575, 577 and 591; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk.

MESSAGE FROM THE HOUSE

February 13, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2480, 2513, 2527, 2531, 2534, 2542, 2544, 2545 and 2604; passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

February 13, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 522, 565, 566, 642, 646, 647, 648, 650, 651, 652, 653, 654, 655, 656, 657, 658 and 668; adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

February 13, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2204 and 2236, substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

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MESSAGE FROM THE HOUSE

February 13, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2125, 2312, 2319, 2320, 2326, 2329, 2330, 2331, 2332, 2333, 2334 and 2336; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

February 13, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 561 and 574, concurred in by the House.

JOE MCCORD,
Chief Clerk.

ENROLLED BILLS

February 14, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 2125, 2204, 2236, 2312, 2319, 2320, 2326, 2329, 2330, 2331, 2332, 2333, 2334 and 2336; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk.

ENROLLED BILLS

February 14, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 561 and 574, and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk.

ENROLLED BILLS

February 14, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Resolutions Nos. 71, 72, 73 and 75; and find same correctly enrolled and ready for the signature of the Speaker.

ALAN WHITTINGTON,
Deputy Chief Clerk.

MONDAY, FEBRUARY 13, 2012 -- 53RD LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

February 14, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 630, 637, 652 and 653; for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

SIGNED

February 13, 2012

The Speaker announced that he had signed the following: Senate Bills Nos. 551, 2203, 2244 and 2360.

SIGNED

February 14, 2012

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 561 and 574.

SIGNED

February 14, 2012

The Speaker announced that he had signed the following: Senate Resolutions Nos. 71, 72, 73 and 75.

SIGNED

February 14, 2012

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 630, 637, 652 and 653.

MESSAGE FROM THE HOUSE

February 14, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 551, 2203, 2244 and 2360; signed by the Speaker.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

February 14, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 561 and 574, signed by the Speaker.

JOE MCCORD,
Chief Clerk.

MONDAY, FEBRUARY 13, 2012 -- 53RD LEGISLATIVE DAY

REPORT OF DEPUTY CHIEF CLERK

February 13, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolution No. 570, for his action.

ALAN WHITTINGTON,
Deputy Chief Clerk.

REPORT OF DEPUTY CHIEF CLERK

February 14, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 551, 2203, 2244 and 2360; for his action.

ALAN WHITTINGTON,
Deputy Chief Clerk.

REPORT OF DEPUTY CHIEF CLERK

February 14, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 561 and 574, for his action.

ALAN WHITTINGTON,
Deputy Chief Clerk.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, February 16, 2012: Senate Joint Resolutions Nos. 580, 581, 582 and 583; Senate Resolutions Nos. 77 and 83; and House Joint Resolutions Nos. 638, 639, 641 and 644.

This the 14th day of February, 2012.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, February 16, 2012: Senate Bills Nos. 884, 2213, 2214, 2242 and 2798.

This the 14th day of February, 2012.
MIKE FAULK, Chairperson.

MONDAY, FEBRUARY 13, 2012 -- 53RD LEGISLATIVE DAY

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, February 16, 2012: Senate Joint Resolution No. 222; and Senate Bills Nos. 2248, 2328, 2490, 2508, 2534, 3117, 1716, 2207, 2215, 2218, 2220, 2561, 2647 and 2829.

This the 14th day of February, 2012.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
SENATE MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bill and it has been set on the Message Calendar for Thursday, February 16, 2012: Senate Bill No. 465.

This the 14th day of February, 2012.
MIKE FAULK, Chairperson.

ADJOURNMENT

Senator Norris moved the Senate adjourn until 9:00 a.m., Thursday, February 16, 2012, which motion prevailed.